

### **REMARKS**

Claims 1, 9 and 11-30 are now pending in the application. Claims 1, 9 and 11-28 are rejected. Claims 1, 12, 13, 16, 17 and 21 have been amended. New claims 29 and 30 have been added for substantive examination. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **INTERVIEW SUMMARY**

The Applicant would like to thank Examiners Black and Pedder for the courtesies extended to their representative, Donald G. Walker, during the telephonic interview conducted on September 3, 2008. During the interview, rejections to the claims were discussed in view of Guntrum and Komatsu et al. During the interview, agreement was reached that Guntrum does not disclose a liftgate as defined by presently amended claim 13. In addition, the Examiners agreed with the Applicant that the combination of Guntrum and Komatsu et al. does not render obvious amended claim 1. The Examiners also indicated that neither of these references appear to disclose a reinforcement member overlapping the upper frame member or the lower frame member.

### **REJECTION UNDER 35 U.S.C § 102**

Claims 13 and 14 are rejected under 35 U.S.C. § 102(b) as being unpatentable over DE19615540 to Guntrum.

The Applicant has amended claim 13 to call for a separate substantially U-shaped, one-piece, tubular lower frame member having terminal ends fixed to the upper frame member forming an uninterrupted ring surrounding an opening, in combination with the other limitations of claim 13. The Applicant respectfully submits that the liftgate

frame of claim 13 is not disclosed by Guntrum. On the contrary, Guntrum provides merely schematic level figures and the description lacks the detail defined by claim 13. Accordingly, the Applicant respectfully requests of the § 102 rejection to claims 13 and 14.

The Applicant also respectfully submits that the amendments to claim 13 render this claim allowable in view of each of the references cited by the Examiner, either solely or in combination with one another. As such, the Applicant respectfully requests the Examiner to pass claim 13 and the claims depending therefrom to allowance.

**REJECTION UNDER 35 U.S.C § 103**

Claims 1, 9, 15, 16 and 21-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DE19615540 to Guntrum in view of U.S. Patent No. 6,776,449 to Komatsu et al.

Regarding claims 1 and 9, the Applicant has amended claim 1 to note that the integrally formed lower frame member is separate from the upper frame member and fixedly attached to the upper frame member. Furthermore, as discussed during the telephonic interview, the Applicant respectfully points out that the reinforcement member has a first portion fixedly secured to the inner header panel and the outer header panel as well as a second portion fixedly secured to one of the vertical segments for **reinforcing the attachment** between the upper and lower frame members.

In the Action, the Examiner indicated that Guntrum fails to disclose the use of a reinforcing member. During the interview, the Examiners agreed with the Applicant's representative that Komatsu et al. fails to disclose a reinforcement member that

reinforces the attachment between the upper and lower frame members because elements 145, 146 of Komatsu et al. are portions of inner header panel 111 itself.

Regarding claim 9, the Applicant respectfully relies on the amendments and arguments previously set forth relating to claim 1 and requests withdrawal of the § 103 rejection.

Regarding claim 15, the Applicant respectfully relies on the amendments and arguments previously set forth relating to claim 13 and requests withdrawal of the § 103 rejection.

Regarding claim 16, the Applicant has amended this claim to include a reinforcement member having a first portion fixedly secured to and overlapping the inner header panel and the outer header panel, the reinforcement member having a second portion fixedly secured to and overlapping the lower frame member for reinforcing the attachment between the upper and lower frame members. The Applicant respectfully submits that none of the references cited by the Examiner, either solely or in combination with one another, render amended claim 16 as obvious. As such, the Applicant respectfully requests withdrawal of the § 103 rejection to claim 16.

Regarding claims 21-25, the Applicant has amended claim 21 to note that the upper frame member has an inner header panel with a substantially constant thickness fixedly secured to an outer header panel with a substantially constant thickness as well as a separate generally U-shaped, one-piece lower frame member fixedly secured to the upper frame member, in combination with the other elements of claim 21. The Applicant respectfully submits that none of the references cited by the Examiner, either solely or in combination with one another, render amended claim 21 as obvious. On the

contrary, Komatsu et al. discloses an inner header panel having many portions welded to one another where at least portions 145, 146 have thicknesses greater than those portions adjacent thereto. Additionally, none of the references cited by the Examiner, either solely or in combination with one another, teach or suggest a separate generally U-shaped, one-piece lower frame member fixedly secured to the upper frame member. For example, the "lower frame member" identified by the Examiner in Komatsu et al. is formed from many separate portions including 130b, 130c and 130d on inner panel portion 111. The lower frame member is also defined by some of outer panel 110. As such, the limitations of claim 21 have not been met. In similar fashion, DE 19713317 discloses a multi-piece lower frame member including at least elements 7, 15 and 8 interconnected to one another. As such, this reference does not disclose a U-shaped, one-piece lower frame member as defined by claim 21. The other references cited by the Examiner are similarly deficient. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejections to claims 21-25.

Claims 11, 17, 18 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DE19615540 to Guntrum and U.S. Patent No. 6,776,449 to Komatsu et al. in view of DE 19713317. Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over DE19615540 to Guntrum in view of U.S. Patent No. 6,719,356 to Cleland et al. Claim 27 is rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 19615540 to Guntrum and U.S. Patent No. 6,776,449 to Komatsu et al. in view of U.S. Patent No. 6,983,968 to Brauer et al. or U.S. Patent No. 7,032,958 to White et al. or U.S. Patent No. 7,025,166 to Thomas. Claim 28 is rejected under 35 U.S.C. § 103(a)

as being unpatentable over DE 19615540 to Guntrum and U.S. Patent No. 6,776,449 to Komatsu et al. in view of U.S. Patent No. 6,053,562 to Bednarski.

The Applicant respectfully relies on the amendments and arguments previously set forth relating to independent claims 1, 13 and 21. Accordingly, the Applicant requests withdrawal of the § 103 rejections relating to claims depending from claims 1, 13 and 21.

Claims 12 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DE19615540 to Guntrum in view of U.S. Patent No. 6,983,968 to Brauer et al. or U.S. Patent No. 7,032,958 to White et al. or U.S. Patent No. 7,025,166 to Thomas.

Claim 12 has been amended to note that the reinforcement member has a first portion fixedly secured to and overlapping one of the inner header panel and the outer header panel, in combination with the other limitations of claim 12. The Applicant respectfully submits that none of the references cited by the Examiner, either solely or in combination with one another, render amended claim 12 as obvious. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection to claim 12.

Regarding claim 20, the Applicant respectfully relies on the arguments and amendments previously set forth relating to claim 13 and respectfully requests withdrawal of the § 103 rejection to claim 20.

#### **NEW CLAIMS**

New claims 29 and 30 have been added for substantive examination. The Applicant respectfully requests the Examiner to pass these claims to allowance.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. The Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1222.

Respectfully submitted,

Dated: September 10, 2008

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